

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION**

IN RE:)	
)	CASE NO. 22-02094-5-PWM
WILLIAMS LAND CLEARING,)	
GRADING, AND TIMBER LOGGER)	CHAPTER 11
LLC,)	
)	
Debtor.)	

COMMERCIAL FUNDING, INC.,)	
)	
Plaintiff)	
)	
v.)	ADVERSARY PROCEEDING NO.:
)	
WILLIAMS LAND CLEARING,)	
GRADING, AND TIMBER LOGGER,)	22-00150-5-JNC
LLC; CARDINAL CIVIL)	
CONTRACTING, LLC; KB HOME)	
RALEIGH-DURHAM, INC.; ARRINGTON)	
THD, LLC; BC BETHPAGE PARTNERS,)	
LLC; TRI POINTE HOMES HOLDINGS,)	
INC.; HABITAT FOR HUMANITY,)	
ORANGE COUNTY, N.C.; RST IV 401,)	
LLC; HIGHLAND RIDGE, LLC a/k/a)	
HIGHLAND RIDGE-NC, LLC;)	
WELLFIELD DEVELOPMENT, LLC;) KL)	
TOLL FORT AIV, LLC; and TOLL)	
SOUTHEAST LP COMPANY, INC.,)	
)	
Defendants.)	

CARDINAL CIVIL CONTRACTING,)	
LLC,)	
)	
Plaintiff,)	
)	
v.)	

WILLIAMS LAND CLEARING,)	
GRADING, AND TIMBER LOGGER,)	
LLC; LAMONTE WILLIAMS;)	
COMMERCIAL FUNDING, INC.; ACE)	
FUNDING SOURCE, LLC; COUCH OIL)	ADVERSARY PROCEEDING NO.:
COMPANY OF DURHAM, INC., and)	
APEX FUNDING SOURCE, LLC)	22-00151-5-JNC
)	
Defendants.)	
)	
and)	
)	
COUCH OIL COMPANY OF DURHAM,)	
INC.,)	
)	
Third-Party Plaintiff,)	
)	
v.)	
)	
WEST BEND MUTUAL INSURANCE)	
COMPANY,)	
)	
Third-Party Defendant.)	

COMMERCIAL FUNDING, INC.,)	
)	
Plaintiff,)	
)	
v.)	ADVERSARY PROCEEDING NO.:
)	
WILLIAMS LAND CLEARING,)	22-00149-5-JNC
GRADING, AND TIMBER LOGGER,)	
LLC and CARDINAL CIVIL)	
CONTRACTING, LLC,)	
)	
Defendants.)	

JOINT MOTION TO DISMISS WITH PREJUDICE

COME NOW Commercial Funding, Inc. ("CFT"), Williams Land Clearing, Grading, and Timber

Logger LLC (“Williams Land”), Cardinal Civil Contracting, LLC (“Cardinal”), and Couch Oil Company of Durham, Inc. (“Couch Oil”), by and through counsel, pursuant to Federal Rule of Civil Procedure 41(a)(2), made applicable to the action by Bankruptcy Rule 7041, and move that the above-referenced adversary proceedings be dismissed with prejudice, pursuant to the Settlement Agreement approved by this Court by order dated May 15, 2024. [Dkt. 47], no. 22-00151-5-JNC. The Parties show the Court as follows:

1. The Settlement Agreement provided that within thirty (30) days from the entry of the Court’s order approving the Settlement Agreement, Cardinal would pay the Settlement Payment to CFI, Couch Oil, and Williams Land.
2. The Settlement Agreement further provided that, upon payment of the Settlement Payment, the Parties shall dismiss these adversary proceedings with prejudice.
3. Cardinal made payment of the Settlement Payment in compliance with the Settlement Agreement.

WHEREFORE, pursuant to the terms of the Settlement Agreement, the Parties hereby respectfully move that these adversary proceedings, including all claims, counterclaims, crossclaims, and third-party claims against all parties, be dismissed with prejudice, and for such other relief as may be just and proper.

This the 17th day of June, 2024.

**STEVENS MARTIN VAUGHN &
TADYCH, PLLC**

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Durham, Inc.*

CERTIFICATE OF SERVICE

I, Kathleen O'Malley, do hereby certify that the foregoing **JOINT MOTION TO DISMISS WITH PREJUDICE** has been served upon each of the parties listed below by placing copies of the same in the United States mail, postage prepaid or by electronic mail as indicated below.

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All other parties registered to receive electronic service through the CM/ECF system.

This the 17th day of June, 2024.

STEVENS MARTIN VAUGHN & TADYCH, PLLC

s/ Kathleen O'Malley

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